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Regulatory
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Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	16 VAC 25-90-1910.1000, Air Contaminants; 16 VAC 25-100-1915.1000, Air Contaminants; and 16 VAC 25-175-1926.55, Gases, vapors, fumes, dusts, and mists
Regulation title	Occupational Exposure to Hexavalent Chromium for Parts 1910, 1915 and 1926; Corrections
Action title	Correcting Errors in Parts 1910, 1915, and 1926 of the final rule for the Occupational Exposure to Hexavalent Chromium
Final agency action date	December 6, 2006
Document preparation date	December 20, 2006

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Federal OSHA has corrected errors in Parts 1910, 1915 and 1926 of the final rule addressing occupational exposure to hexavalent chromium, or CR(VI), that appeared in the *Federal Register* on February 28, 2006 (71 FR 10099). The following correcting amendments were made to the final rule for Chromium (VI).

In §1910.1000, Air Contaminants, Table Z-1, the entry was revised for “tert-Butyl chromate (as CrO₃)”, footnote 5 was also revised by removing the entry for “Chromic acid and chromates (as CrO₃)”, and a new footnote 6 was added. Also, in Table Z-2 of §1910.1000, footnote c was revised.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On December 6, 2006, the Safety and Health Codes Board adopted federal OSHA's correcting amendments to the final rule for the Occupational Exposure to Hexavalent Chromium for Parts 1910, 1915 and 1926, with an effective date of March 15, 2007.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

These correcting amendments will have no impact on the institution of the family and family stability.

**Occupational Exposure to Hexavalent Chromium for
Parts 1910, 1915 and 1926; Corrections**

As Adopted by the
Safety and Health Codes Board

Date: December 6, 2006



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: March 15, 2007

Occupational Exposure to Hexavalent Chromium for:

- 16 VAC 25-90-1910.1000, Air Contaminants
- 16 VAC 25-100-1915.1000, Air Contaminants
- 16 VAC 25-175-1926.55, Gases, vapors, fumes, dusts, and mists

When the regulations, as set forth in the correcting amendments to the final rule for Occupational Exposure to Hexavalent Chromium, §§ 1910.1000, 1915.1000 and 1926.55, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

June 23, 2006

March 15, 2007

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, and 1926

[Docket No. H054A]

RIN 1218-AB45

Occupational Exposure to Hexavalent Chromium; Corrections

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Correcting amendments.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is correcting errors in the final rule addressing occupational exposure to hexavalent chromium that appeared in the *Federal Register* on February 28, 2006.

DATES: Effective June 23, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Ropp, Director, OSHA Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1999.

SUPPLEMENTARY INFORMATION: On February 28, 2006 (71 FR 10099), OSHA

issued a revised standard for occupational exposure to hexavalent chromium. Subsequently, errors were discovered in the regulatory text. This notice is being published to correct these errors.

Correction of Publication

The following correcting amendments are made to the final rule for Chromium (VI) published in the *Federal Register* on February 28, 2006 (71 FR 10099).

■ Accordingly, 29 CFR parts 1910, 1915, and 1926 are corrected by making the following correcting amendments.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

■ 1. The authority citation for part 1910 continues to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order Numbers 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), or 5-2002 (67 FR 65008), as applicable.

■ 2. Section 1910.1000 is corrected as follows:

■ a. In Table Z-1 by revising the entry for "tert-Butyl chromate (as CrO₃)" and footnote 5, removing the entry for "Chromic acid and chromates (as CrO₃)", and adding a new footnote 6;

■ b. In Table Z-2 by revising footnote c. The revisions and additions read as follows:

§ 1910.1000 Air contaminants.

* * * * *

TABLE Z-1.—LIMITS FOR AIR CONTAMINANTS

Substance	CAS No. ^c	ppm ^{a 1}	mg/m ^{3 b1}	Skin designation
tert-Butyl chromate (as CrO ₃); see 1910.1026 ⁶	1189-85-1			
Chromium (VI) compounds; see 1910.1026 ⁵ .				

¹ The PELs are 8-hour TWAs unless otherwise noted; a (C) designation denotes a ceiling limit. They are to be determined from breathing-zone air samples.

^a Parts of vapor or gas per million parts of contaminated air by volume at 25 °C and 760 torr.

^b Milligrams of substance per cubic meter of air. When entry is in this column only, the value is exact; when listed with a ppm entry, it is approximate.

^c The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound, measured as the metal, the CAS number for the metal is given—not CAS numbers for the individual compounds.

⁵ See Table Z-2 for the exposure limit for any operations or sectors where the exposure limit in § 1910.1026 is stayed or is otherwise not in effect.

⁶ If the exposure limit in § 1910.1026 is stayed or is otherwise not in effect, the exposure limit is a ceiling of 0.1 mg/m³.

TABLE Z-2

Substance	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8-hr shift	
			Concentration	Maximum duration
Chromic acid and chromates (Z37.7-1971) (as CrO ₃) ^c		1 mg/10m ³ .		

^cThis standard applies to any operations or sectors for which the exposure limit in the Chromium (VI) standard, § 1910.1026, is stayed or is otherwise not in effect.

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

■ 3. The authority citation for part 1915 continues to read as follows:

Authority: Section 41, Longshore and Harbor Workers' Compensation Act (33

U.S.C. 941); sections 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017) or 5-2002 (67 FR 65008), as applicable.

■ 4. Section 1915.1000 is corrected in Table Z by revising the entry for "tert-

Butyl chromate (as CrO₃)", removing the entry for "Chromic acid and chromates (as CrO₃)", and adding an entry for "Chromium (VI) compounds."

The revisions and additions read as follows:

§ 1915.1000 Air contaminants.

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TABLE Z.—SHIPYARDS

Substance	CAS No. ^d	ppma ^{a*}	mg/m ³ ^{b*}	Skin designation
tert-Butyl chromate (as CrO ₃); see 1915.1026 ⁿ	1189-85-1			
Chromium (VI) compounds; see 1915.1026 ^o .				

* The PELs are 8-hour TWAs unless otherwise noted; a (C) designation denotes a ceiling limit. They are to be determined from breathing-zone air samples.

^aParts of vapor or gas per million parts of contaminated air by volume at 25 °C and 760 torr.

^bMilligrams of substance per cubic meter of air. When entry is in this column only, the value is exact; when listed with a ppm entry, it is approximate.

^dThe CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound, measured as the metal, the CAS number for the metal is given—not CAS numbers for the individual compounds.

ⁿIf the exposure limit in § 1915.1026 is stayed or is otherwise not in effect, the exposure limit is a ceiling of 0.1 mg/m³.

^oIf the exposure limit in § 1915.1026 is stayed or is otherwise not in effect, the exposure limit is 0.1 mg/m³ (as CrO₃) as an 8-hour TWA.

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

■ 5. The authority citation for part 1926 continues to read as follows:

Authority: Section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 12-71 (36 FR

8754), 8-76 (41 FR 25059), 1-90 (55 FR 9033), or 6-96 (62 FR 111), as applicable; 29 CFR part 1911.

■ 6. Section 1926.55 is corrected in Appendix A by revising the entry for "tert-Butyl chromate (as CrO₃)", removing the entry for "Chromic acid and chromates (as CrO₃)", and adding an entry for "Chromium (VI) compounds."

The revisions and additions read as follows:

§ 1926.55 Gases, vapors, fumes, dusts, and mists.

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Appendix A to § 1926.55—1970 American Conference of Governmental Industrial Hygienists' Threshold Limit Values of Airborne Contaminants